



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF POSTSECONDARY EDUCATION

THE ASSISTANT SECRETARY

May 22, 2000

Dear President:

I am writing to share with you important new information about the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) program. GEAR UP is an exciting effort to bring together schools, colleges and universities, States, businesses and communities to encourage disadvantaged middle school students to think about and prepare for college early and to help them attend college. Providing scholarships for GEAR UP students is an important piece of this program. Some questions have arisen regarding the treatment of GEAR UP scholarships that we would like to clarify.

The Department of Education's final regulations to govern the GEAR UP program, published in the Federal Register on April 27, 2000, contain certain rules that States and partnerships participating in the GEAR UP program must ensure are followed when awarding GEAR UP scholarships to GEAR UP students. These rules, developed through negotiated rulemaking with our partners and further revised after an extended comment period, are designed to ensure that GEAR UP scholarships are supplementary, as required by the law, so that GEAR UP students receive the benefit of GEAR UP scholarships, as inherently necessary for the success of the program. We are firmly committed to this principle and believe that the regulations faithfully implement the law and support the program's ambitious goals.

Although the GEAR UP regulations govern the use of GEAR UP funds by GEAR UP grantees, some colleges and universities have raised questions about the applicability of the regulations to them. Accordingly, we wish to clarify and emphasize that the GEAR UP regulations have no possible application to institutions that do not enroll any GEAR UP students. Moreover, under the regulations, no institution is required to enroll a GEAR UP student, and if it does so, that institution remains free to decline to order the student's aid in the manner required by the regulation. In the latter case, however, it would be the grantee's responsibility under the regulations to inform the GEAR UP student that he or she could not receive the GEAR UP scholarship to attend that institution, although the student is free to attend the college without the GEAR UP scholarship. To allay all concerns in this area, we intend to publish this clarification in the Federal Register in the near future.

In addition, we have heard some concerns that a college or university may receive requests from a variety of partnerships and states requesting different assurances regarding the award of GEAR UP scholarships. We are sensitive to the possible concerns in this area and understand that there might be alternative approaches. Accordingly, we

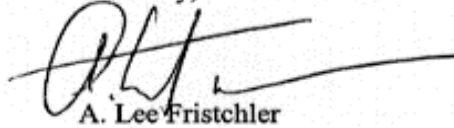
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*Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation.*

intend to continue a dialogue with all our partners, including the higher education community, to ensure that the GEAR UP regulations are as effective as possible. We are prepared, if necessary, to re-open the recently concluded negotiated rulemaking process to consider alternative approaches to ensure that GEAR UP scholarships benefit GEAR UP students.

We hope you find this information helpful and encourage you to participate in the GEAR UP program, which will improve college opportunities for many young people in this country.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Lee Fristchler', with a long horizontal flourish extending to the right.

A. Lee Fristchler